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Attorney for Debtor and Defendant,
PETER PEDROM ETESAMNIA

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re)	Bankruptcy Case No.: 2:12-bk-43661-TD
)	
PETER PEDROM ETESAMNIA,)	Adversary Case No.: 2:13-ap-01695-TD
)	
Debtor)	
)	DEFENDANT PETER P.
<hr/>)	ETESAMNIA'S ANSWER TO
KOUROSH MALEKAN,)	ADVERSARY COMPLAINT
)	
Plaintiff,)	
)	
vs.)	
)	
PETER PEDROM ETESAMNIA)	
)	
Defendant.)	
)	
<hr/>)	

COMES NOW, Defendant PETER PEDROM ETESAMNIA (hereinafter referred to as
"Debtor" and/or "Defendant"), by and through his attorney of record, answers the
Complaint filed herein by Plaintiff as follows::

1 1. Responding to Paragraph 1 of the Complaint, the Defendant Admits that the
2 Court has jurisdiction to hear this matter.

3 2. Responding to Paragraph 2 of the Complaint, the Defendant Admits that
4 Court has personal jurisdiction over the Defendant.

5 3. Responding to Paragraph 3 of the Complaint, the Defendant Admits that the
6 Venue is proper in this District.

7 4. Responding to Paragraph 4 of the Complaint, the Defendant is without
8 sufficient knowledge or information to form a belief as to the truth of the allegations
9 contained in said paragraph, and on that basis denies each and every allegation contained
10 therein.

11 5. Responding to Paragraph 5 of the Complaint, the Defendant Admits that his is
12 an individual residing in the County of Los Angeles, State of California.

13 6. Responding to Paragraph 6 of the Complaint, the Defendant is without
14 sufficient knowledge or information to form a belief as to the truth of the allegations
15 contained in said paragraph, and on that basis denies each and every allegation contained
16 therein.

17 7. Responding to Paragraph 7 of the Complaint, the Defendant is without
18 sufficient knowledge or information to form a belief as to the truth of the allegations
19 contained in said paragraph, and on that basis denies each and every allegation contained
20 therein.

21 8. Responding to Paragraph 8 of the Complaint, the Defendant is without
22 sufficient knowledge or information to form a belief as to the truth of the allegations
23 contained in said paragraph, and on that basis denies each and every allegation contained
24 therein.

25 9. Responding to Paragraph 9 of the Complaint, the Defendant is without
26 sufficient knowledge or information to form a belief as to the truth of the allegations
27 contained in said paragraph, and on that basis denies each and every allegation contained
28 therein.

1 10. Responding to Paragraph 10 of the Complaint, the Defendant is without
2 sufficient knowledge or information to form a belief as to the truth of the allegations
3 contained in said paragraph, and on that basis denies each and every allegation contained
4 therein.

5 11. Responding to Paragraph 11 of the Complaint, the Defendant is without
6 sufficient knowledge or information to form a belief as to the truth of the allegations
7 contained in said paragraph, and on that basis denies each and every allegation contained
8 therein.

9 12. Responding to Paragraph 12 of the Complaint, the Defendant is without
10 sufficient knowledge or information to form a belief as to the truth of the allegations
11 contained in said paragraph, and on that basis denies each and every allegation contained
12 therein.

13 13. Responding to Paragraph 13 of the Complaint, the Defendant Admits the facts
14 stated within said paragraph of the Complaint.

15 14. Responding to Paragraph 4 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 15. Responding to Paragraph 15 of the Complaint, the Defendant Admits that
20 Plaintiff was not listed as a creditor of Defendant in the original schedules that Defendant
21 filed with the Court, but Denies that Plaintiff was not aware of the Bankruptcy Petition.

22 16. Responding to Paragraph 16 of the Complaint, the Defendant is without
23 sufficient knowledge or information to form a belief as to the truth of the allegations
24 contained in said paragraph, and on that basis denies each and every allegation contained
25 therein.

26 17. Responding to Paragraph 17 of the Complaint, the Defendant is without
27 sufficient knowledge or information to form a belief as to the truth of the allegations
28

1 contained in said paragraph, and on that basis denies each and every allegation contained
2 therein.

3 18. Responding to Paragraph 18 of the Complaint, the Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph, and on that basis denies each and every allegation contained
6 therein.

7 19. Responding to Paragraph 19 of the Complaint, the Defendant Denies the facts
8 stated within said paragraph of the Complaint.

9 20. Responding to Paragraph 20 of the Complaint, the Defendant Denies the facts
10 stated within said paragraph of the Complaint.

11 21. Responding to Paragraph 21 of the Complaint, the Defendant is without
12 sufficient knowledge or information to form a belief as to the truth of the allegations
13 contained in said paragraph, and on that basis denies each and every allegation contained
14 therein.

15 22. Responding to Paragraph 22 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 23. Responding to Paragraph 23 of the Complaint, the Defendant is without
20 sufficient knowledge or information to form a belief as to the truth of the allegations
21 contained in said paragraph, and on that basis denies each and every allegation contained
22 therein.

23 24. Responding to Paragraph 24 of the Complaint, the Defendant is without
24 sufficient knowledge or information to form a belief as to the truth of the allegations
25 contained in said paragraph, and on that basis denies each and every allegation contained
26 therein.

27 25. Responding to Paragraph 25 of the Complaint, the Defendant is without
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis denies each and every allegation contained
2 therein.

3 26. Responding to Paragraph 27 of the Complaint, the Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph, and on that basis denies each and every allegation contained
6 therein.

7 27. Responding to Paragraph 27 of the Complaint, the Defendant is without
8 sufficient knowledge or information to form a belief as to the truth of the allegations
9 contained in said paragraph, and on that basis denies each and every allegation contained
10 therein.

11 28. Responding to Paragraph 28 of the Complaint, the Defendant is without
12 sufficient knowledge or information to form a belief as to the truth of the allegations
13 contained in said paragraph, and on that basis denies each and every allegation contained
14 therein.

15 29. Responding to Paragraph 29 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 30. Responding to Paragraph 30 of the Complaint, the Defendant is without
20 sufficient knowledge or information to form a belief as to the truth of the allegations
21 contained in said paragraph, and on that basis denies each and every allegation contained
22 therein.

23 31. Responding to Paragraph 31 of the Complaint, the Defendant is without
24 sufficient knowledge or information to form a belief as to the truth of the allegations
25 contained in said paragraph, and on that basis denies each and every allegation contained
26 therein.

27 32. Responding to Paragraph 32 of the Complaint, the Defendant is without
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis denies each and every allegation contained
2 therein.

3 33. Responding to Paragraph 33 of the Complaint, the Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph, and on that basis denies each and every allegation contained
6 therein.

7 34. Responding to Paragraph 34 of the Complaint, the Defendant is without
8 sufficient knowledge or information to form a belief as to the truth of the allegations
9 contained in said paragraph, and on that basis denies each and every allegation contained
10 therein.

11 35. Responding to Paragraph 35 of the Complaint, the Defendant is without
12 sufficient knowledge or information to form a belief as to the truth of the allegations
13 contained in said paragraph, and on that basis denies each and every allegation contained
14 therein.

15 36. Responding to Paragraph 36 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 37. Responding to Paragraph 37 of the Complaint, the Defendant is without
20 sufficient knowledge or information to form a belief as to the truth of the allegations
21 contained in said paragraph, and on that basis denies each and every allegation contained
22 therein.

23 38. Responding to Paragraph 38 of the Complaint, the Defendant is without
24 sufficient knowledge or information to form a belief as to the truth of the allegations
25 contained in said paragraph, and on that basis denies each and every allegation contained
26 therein.

27 39. Responding to Paragraph 39 of the Complaint, the Defendant is without
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis denies each and every allegation contained
2 therein.

3 40. Responding to Paragraph 40 of the Complaint, the Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph, and on that basis denies each and every allegation contained
6 therein.

7 41. Responding to Paragraph 41 of the Complaint, the Defendant is without
8 sufficient knowledge or information to form a belief as to the truth of the allegations
9 contained in said paragraph, and on that basis denies each and every allegation contained
10 therein.

11 42. Responding to Paragraph 18 of the Complaint, the Defendant is without
12 sufficient knowledge or information to form a belief as to the truth of the allegations
13 contained in said paragraph, and on that basis denies each and every allegation contained
14 therein.

15 43. Responding to Paragraph 43 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 44. Responding to Paragraph 44 of the Complaint, the Defendant is without
20 sufficient knowledge or information to form a belief as to the truth of the allegations
21 contained in said paragraph, and on that basis denies each and every allegation contained
22 therein.

23 45. Responding to Paragraph 45 of the Complaint, the Defendant is without
24 sufficient knowledge or information to form a belief as to the truth of the allegations
25 contained in said paragraph, and on that basis denies each and every allegation contained
26 therein.

27 46. Responding to Paragraph 46 of the Complaint, the Defendant is without
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis denies each and every allegation contained
2 therein.

3 47. Responding to Paragraph 47 of the Complaint, the Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph, and on that basis denies each and every allegation contained
6 therein.

7 48. Responding to Paragraph 48 of the Complaint, the Defendant is without
8 sufficient knowledge or information to form a belief as to the truth of the allegations
9 contained in said paragraph, and on that basis denies each and every allegation contained
10 therein.

11 49. Responding to Paragraph 49 of the Complaint, the Defendant is without
12 sufficient knowledge or information to form a belief as to the truth of the allegations
13 contained in said paragraph, and on that basis denies each and every allegation contained
14 therein.

15 50. Responding to Paragraph 50 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 51. Responding to Paragraph 51 of the Complaint, the Defendant is without
20 sufficient knowledge or information to form a belief as to the truth of the allegations
21 contained in said paragraph, and on that basis denies each and every allegation contained
22 therein.

23 52. Responding to Paragraph 52 of the Complaint, the Defendant is without
24 sufficient knowledge or information to form a belief as to the truth of the allegations
25 contained in said paragraph, and on that basis denies each and every allegation contained
26 therein.

27 53. Responding to Paragraph 53 of the Complaint, the Defendant is without
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis denies each and every allegation contained
2 therein.

3 54. Responding to Paragraph 54 of the Complaint, the Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph, and on that basis denies each and every allegation contained
6 therein.

7 55. Responding to Paragraph 55 of the Complaint, the Defendant is without
8 sufficient knowledge or information to form a belief as to the truth of the allegations
9 contained in said paragraph, and on that basis denies each and every allegation contained
10 therein.

11 56. Responding to Paragraph 56 of the Complaint, the Defendant is without
12 sufficient knowledge or information to form a belief as to the truth of the allegations
13 contained in said paragraph, and on that basis denies each and every allegation contained
14 therein.

15 57. Responding to Paragraph 57 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 58. Responding to Paragraph 58 of the Complaint, the Defendant is without
20 sufficient knowledge or information to form a belief as to the truth of the allegations
21 contained in said paragraph, and on that basis denies each and every allegation contained
22 therein.

23 59. Responding to Paragraph 59 of the Complaint, the Defendant is without
24 sufficient knowledge or information to form a belief as to the truth of the allegations
25 contained in said paragraph, and on that basis denies each and every allegation contained
26 therein.

27 60. Responding to Paragraph 60 of the Complaint, the Defendant is without
28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph, and on that basis denies each and every allegation contained
2 therein.

3 61. Responding to Paragraph 61 of the Complaint, the Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph, and on that basis denies each and every allegation contained
6 therein.

7 62. Responding to Paragraph 62 of the Complaint, the Defendant is without
8 sufficient knowledge or information to form a belief as to the truth of the allegations
9 contained in said paragraph, and on that basis denies each and every allegation contained
10 therein.

11 63. Responding to Paragraph 63 of the Complaint, the Defendant is without
12 sufficient knowledge or information to form a belief as to the truth of the allegations
13 contained in said paragraph, and on that basis denies each and every allegation contained
14 therein.

15 64. Responding to Paragraph 64 of the Complaint, the Defendant is without
16 sufficient knowledge or information to form a belief as to the truth of the allegations
17 contained in said paragraph, and on that basis denies each and every allegation contained
18 therein.

19 65. Responding to Paragraph 65 of the Complaint, the Defendant is without
20 sufficient knowledge or information to form a belief as to the truth of the allegations
21 contained in said paragraph, and on that basis denies each and every allegation contained
22 therein.

23
24 **AFFIRMATIVE DEFENSES**

25 **FIRST AFFIRMATIVE DEFENSE**

26 (Failure to State a Claim)

27 1. Plaintiff fails to allege sufficient facts to state any cause of action for which
28 relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. Plaintiff would be unjustly enriched if allowed to recover on its Complaint since there is no money due and owing to Plaintiff by Defendant.

THIRD AFFIRMATIVE DEFENSE

3. Plaintiff has waived any and all claims, rights and demands made by Plaintiff in the Complaint due to Plaintiff's failure to timely file such claims.

FOURTH AFFIRMATIVE DEFENSE

4. Defendant is entitled to an offset of the claims set forth in the Complaint sufficient to diminish or defeat Plaintiff's recovery thereunder, due to monies owed to Defendant by Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

5. Defendant alleges that the Contract alleged in the Complaint is invalid because it is not in writing, nor is there any note or memorandum of it, subscribed by Defendant.

SIXTH AFFIRMATIVE DEFENSE

6. Defendant alleges that Plaintiff has no standing to allege the causes of action outlined the Complaint.

SEVENTH AFFIRMATIVE DEFENSE

(Rescission)

7. Defendant alleges that Plaintiff and Defendant have rescinded any alleged contract in the Complaint.

EIGHTH AFFIRMATIVE DEFENSE

(Lack of Consideration)

8. The agreement alleged in Plaintiff's Complaint is unenforceable due to the fact that the alleged contract lacks any consideration.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

9. Plaintiff is precluded from any recovery against the Defendant as Plaintiff comes into this action with unclean hands and any alleged damages incurred by him are a result of his wrongful acts and omissions to act.

TENTH AFFIRMATIVE DEFENSE

(Proximate Cause)

10. Any loss, damage or injury allegedly sustained by Plaintiff was actually and proximately caused by the negligence of Plaintiff and/or employees.

ELEVENTH AFFIRMATIVE DEFENSE

(Consent)

11. Defendant alleges Plaintiff's consented, fully and voluntarily, to the alleged acts or omissions of Defendant which constitutes Plaintiff's alleged cause of action. Said consent bars or diminishes any recovery by Plaintiff.

TWELFTH AFFIRMATIVE DEFENSE

(Doctrine of Estoppel)

12. The purported cause of action set forth in Plaintiff's Complaint is barred by the doctrine of estoppel.

THIRTEENTH AFFIRMATIVE DEFENSE

(Time Barred)

13. Plaintiff's Complaint is time barred and should be dismissed as Plaintiff failed to file the Adversary Complaint within the required timeline set by statute and further failed to file a motion to file a late Adversary Complaint.

FOURTEENTH AFFIRMATIVE DEFENSE

(Reservation of Rights)

14. Defendant had insufficient knowledge or information on which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available. Defendant therefore reserves the right to assert additional affirmative defenses in the event discovery indicates that they may be appropriate.

WHEREFORE, Defendant requests that:

A. The Third Amended Complaint be dismissed with prejudice or judgment entered in favor of Defendant;

B. Plaintiff takes nothing by reason of its Third Amended Complaint herein;

///

///

1 C. This Court award such other relief as may be just and appropriate under the
2 circumstances
3

4 Dated: October 8, 2013

NASS LAW FIRM

5
6 By: 

7 Edmond Nassirzadeh, Esq.
8 Attorney for Debtor and Defendant
9 PETER PEDROM ETESAMNIA
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In re Peter Pedrom Etesamnia Debtor(s).	CHAPTER 7 Bankruptcy Case Number: 2:12-bk-43661-TD Adversary Case Number: 2:13-ap-01695-TD
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NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**9454 Wilshire Boulevard
Suite 700
Beverly Hills, CA 90212**

A true and correct copy of the foregoing document described as **DEFENDANT PETER P. ETESAMNIA'S ANSWER TO ADVERSARY COMPLAINT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 8, 2013**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Bruce G Landau bgl26@aol.com
Jason M Rund (TR) trustee@srlawyers.com, jrund@ecf.epiqsystems.com
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
A David Youssefyeh david@adylaw.com

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On **October 8, 2013**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Thomas B. Donovan
United States Bankruptcy Court - Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1352 / Courtroom 1345
Los Angeles, CA 90012

☐ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on , I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page


I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 8, 2013

Date

Edmond Nassirzadeh Esq.

Type Name


Signature